IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

REVIEW PETITION NO. 72 OF 2006
IN
WRIT PETITION NO. 250 OF 2006

Mr. Chandrakant P. Mirani and anr. .. Petitioners

Versus

Dr. S.S. Kudalkar and anr. .. Respondents

Mr. A.Y. Bookwala, Sr. Counsel i/by Mr. Mohit Jadhav for Petitioner.

Ms. Shobha Ajitkumar for B.M.C. Respondents.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED: NOVEMBER 21, 2006

P.C.:

. Rule. Heard parties.

. The learned counsel draws our attention to the following directions dated 29.11.2004 issued while disposing of the L.C. Suit No. 1632 of 1998 which reads as under :

> "Defendants/M.M.C. is hereby restrained from demolishing the suit premises till defendant/Municipal Commissioner comes to the conclusion in the event of fresh action that the suit structure is unauthorised."

. This aspect was not brought to our attention. In the light of that, impugned order dated 29.3.2006 is

recalled. Writ Petition restored.. Review Petition disposed of accordingly.

(ANOOP V. MOHTA,J.) **(F.I.REBELLO, J.)**